

REMARKS

Applicant submits this paper in response to the office action dated May 31, 2007. By way of this amendment, claims 15, 16, 18, and 19 are pending. Claims 15 and 19 are amended. Claims 1-14, 17, and 20 are canceled.

No fees are believed to be necessary for proper entry and consideration of this amendment. Nevertheless, if the Office deems otherwise, kindly charge the cost thereof to Deposit Account No. 13-2855, Order No. 30120/32007.

In light of the foregoing amendments to the claims and the following remarks, Applicant believes the present application is in condition for allowance and respectfully requests the Office to acknowledge the same.

CLAIM OBJECTIONS

Claims 18 and 19 stand objected to because they previously recited identical language.

Applicant submits that identical claims 18 and 19 were mistakenly presented in Applicant's Preliminary Amendment, dated September 24, 2007, and Response to Restriction Election/Requirement, dated February 20, 2007. Claim 19, as originally filed, is distinct from claim 18. Claim 19 has been amended here to recite subject matter similar to original claim 19. Thus, no new matter has been added.

Reconsideration and withdrawal of this objection is respectfully requested.

CLAIM REJECTIONS

Claims 15-20 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by Walker et al. (EP 920807A1) or, alternatively, under 35 U.S.C. §103(a) as obvious over Walker et al. Claims 17 and 20 are canceled, thereby rendering this rejection moot, as it pertains to claims 17 and 20.

Claim 15 has been amended herein to recite:

Method for division of animals into groups and transfer of groups of animals to a stunning apparatus (3), the method comprising:

- a) driving animals ***by driving a gate (15) along*** an oblong corridor section (10) from an entrance end towards an exit end and past an open division gate (12), which is placed between the entrance end and the exit end, ***the driving gate (15) being moved in the longitudinal direction of the corridor section (10) between a starting point at the entrance end of the corridor section to a position at the division gate***, the division gate being placed in such a way that the corridor area (10b) between the division gate (12) and the exit end has room for a number of animals corresponding to the group size,
- b) closing the division gate (12) when a number of animals corresponding to the group size have passed,
- c) driving the group of animals ***by one of a gate device placed at the corridor section (10), a traveling sliding gate (14), or a traveling elevating gate movable in the corridor area (10b) from a position at the exit end*** into a transfer section (16), placed in continuation of the corridor section (10) at the exit end of the section when the transfer section (16) is ready to receive a group of animals, which transfer section has room for a number of animals corresponding to the group size and has connection with the entrance to the stunning apparatus,
- d) closing the access from the corridor section (10) to the transfer section (16) ,
- e) driving the group of animals in the transfer section (16) into the stunning apparatus (3) when this is ready to receive a group of animals, and
- f) repeating the process steps a) to e) as long as there are animals in the corridor area (10a) between the entrance end and the division gate (12), the division gate (12) being opened between each cycle.

(emphasis added). Walker fails to disclose each and every feature recited in amended claim 15 and, therefore, Walker fails to anticipate claim 15, as amended.

Walker discloses a system for moving animals towards a CO₂-stunning unit. The system comprises a corridor with staggered obstructions. The system further comprises side gates with urging means, wherein the side gates may be inserted in the corridor to divide a group of animals into smaller batches. The urging means are adapted for urging the animals forwards in the corridor towards the CO₂-stunning unit.

In contrast to Walker, however, amended claim 15 recites driving the animals by a driving gate along the corridor from an entrance end to a division gate, and further that a gate device drives the group of animals into a transfer section.

Walker does not disclose a system for driving animals by a driving gate along the corridor to the side gate (7) (division gate), i.e., from the entry of the corridor to the left of the side gate (7) in Fig. 1 of Walker. Rather, Walker discloses that the animals are driven to the side gate via a stockman. Often, stockmen tend to rush the animals, which stresses the animals and consequently reduces meat quality. Thus, the present application presents a novel, flexible, and efficient method of driving animals towards a stunning unit that is not disclosed or contemplated by Walker or any other reference of record.

Additionally, Walker presents the disadvantage that the pusher plate (18) is incorporated in the side gate (7), which means that the pusher plate (18) must be retracted before the side gate (7) can be withdrawn to allow a new batch of animals to enter this part of the corridor. Hence, the system disclosed by Walker is relatively slow and inefficient.

Accordingly, Walker fails to anticipate amended claim 15.

Moreover, Walker fails to render amended claim 15 obvious because a person having ordinary skill in the art would find no teaching or motivation to amend the system disclosed by Walker to provide a method as recited in the present application. For example, Walker teaches the use of staggered walls 5, 6 at the entrance of the corridor. At column 3, lines 43-46, Walker describes that the staggered walls are critical for reducing stress in the animals by preventing the animals from seeing along the entire length of the corridor. Accordingly, Walker teaches away from a method comprising driving animals by a driving gate along the entry of the corridor, as recited in amended claim 15.

Additionally, even if the system of Walker was modified to include a driving gate at the entry of the corridor, such modification would not allow the entry to be staggered, as disclosed. Removing the stagger from the entry of the corridor would render Walker inoperable for its intended purpose of preventing the animals from seeing along the entire length of the corridor section.

For the foregoing reasons, Applicant submits that no prima facie case of obviousness can be based, even in part, on Walker.

Accordingly, Applicant submits that amended claim 15, as amended, and each claim dependent thereon are novel and non-obvious.

Reconsideration and withdrawal of these anticipation and obviousness rejections is respectfully requested.

CONCLUSION

Applicant believes that all outstanding concerns have been either traversed, accommodated, or rendered moot, and therefore, prompt and favorable consideration of this application is requested.

Furthermore, despite the foreign origin of the present application, Applicant hereby invites the Examiner to telephone the undersigned in this case, if such a telephone call is deemed appropriate. Accordingly, if the Office believes that there is any outstanding issue that may be remedied via telephone conference in the present case, please feel free to contact the undersigned at (312) 474-6300.

Dated: August 22, 2007

Respectfully submitted,

By 

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